

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kevin Perrier

v.

Civil No. 12-cv-22-JL

Paul Binette

O R D E R

The plaintiff's motion to amend complaint (document no. 3) is DENIED without prejudice to the defendants' futility or sufficiency arguments if asserted in a more appropriate procedural posture. While the defendants' substantive arguments may or may not have merit, they are incorrect on the procedural law pertaining to amendments as a matter of course under Rule 15(a). The district court has no discretion to reject an amended pleading filed before a responsive pleading is served, even if the court considers the amendment futile. Taite v. Peake, No. 08-cv-258-SM, 2009 WL 94526, *1 (D.N.H. Jan. 9, 2009) (quoting 3 Moore's Fed. Practice, §§ 15.10-.11 (3d ed. 2008)).

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: April 18, 2012

cc: Kevin Buchholz, Esq.
Margaret A. O'Brien, Esq.
Mark T. Broth, Esq.